

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X :  
CHRISTOPHER E. BROWN, :  
 :  
Plaintiff, :  
 :  
-against- :  
 :  
ST. JOHN'S UNIVERSITY and GCA SERVICES :  
GROUP, INC., and BUTLER ROGERS BASKETT :  
ARCHITECTS, P.C., and HM WHITE SITE :  
ARCHITECTS and SKANSKA USA BUILDING, :  
INC. and LANGAN ENGINEERING AND :  
ENVIRONMENTAL :  
SERVICES, INC., :  
 :  
Defendants :  
-----X :

Civ. Action No. 08-cv-2218 (ARR)  
Hon. J. Ross  
Hon. M.J. Pohorelsky

**NOTICE OF MOTION**

-----X :  
ST. JOHN'S UNIVERSITY, :  
 :  
Third-Party Plaintiff, :  
 :  
-against- :  
 :  
GCA SERVICES GROUP, INC., and :  
BUTLER ROGERS BASKETT, :  
 :  
Third-Party Defendants. :  
-----X :

BUTLER ROGERS BASKETT, :  
 :  
Fourth-Party Plaintiff, :  
 :  
-against- :  
 :  
HM WHITE SITE ARCHITECTS, SKANSKA USA :  
BUILDING, INC. and LANGAN ENGINEERING :  
AND ENVIRONMENTAL SERVICES, INC., :  
 :  
Fourth-Party Defendants. :  
-----X :


**PLEASE TAKE NOTICE**, that upon the accompanying Memorandum of Law, defendant/third-party plaintiff ST. JOHN'S UNIVERSITY ("St. John's") will move this Court, on a date and time determined by the Court, before the Honorable Viktor V. Pohorelsky in the United States District Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, to dismiss Count II of Plaintiff's First Amended Complaint herein pursuant to Fed. R. Civ. P. 12(b)(6) for the reasons set forth in the motion papers submitted by co-defendant LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC. ("Langan"), which are adopted and incorporated herein, and for such other and further relief in favor of defendant St. John's as the Court may deem just and proper.

Dated: New York, New York  
November 23, 2009

Yours, *etc.*,

Biedermann, Reif, Hoenig & Ruff, P.C.

By:



Elaine N. Chou (EC7688)

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TO: ALL COUNSEL OF ECF SERVICE LIST

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of November, 2009, I electronically filed the foregoing **NOTICE OF MOTION** with the Clerk of Court using the CM/ECF system which will send notification of filing to the following e-mail addresses:

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